

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No. 09/869,967

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has added new claims 22-32. Thus, claims 1-21 are now pending in this application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

Initially, Applicants note that the Examiner still has not provided an initialled copy of the Form PTO-1449 that was submitted with the application papers as of July 10, 2001. Accordingly, it is respectfully requested that the Examiner initial and return a copy of the Form PTO-1449 to the office of the undersigned attorney at the earliest possible date to signify that the Examiner has considered the references cited therein.

Regarding the rejection of claims 1, 2 and 9 under 35 U.S.C. §112, second paragraph, Applicants have adopted the Examiner's suggested amendments.

As for the rejection of claim 8 under 35 U.S.C. §112, second paragraph, Applicants also adopt the Examiner's proposed amendment by changing "the strand" to --each strand--.

Although claim 20 is not rejected, Applicants noted some minor errors therein that are hereby corrected.

By this Amendment, Applicant has added new claims 22-32 corresponding to allowable claims 3, 4, 6-8, 10-14 and 21. New claims 22-32 include the changes to claims 2, 8 and 9 suggested by the Examiner to overcome the §112, second paragraph, rejection. Accordingly, the Examiner is requested allow new claims 22-32.

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In claims 1, 2, 5, 9 and 20, as herein amended, all of the filaments constituting each sheath layer have the same diameter and a diameter of every filament constituting an outermost sheath layer of each strand is larger than a diameter of every filament constituting every layer located inside the outermost layer. The cited art neither teaches nor suggests at least this feature of the invention.

Bruyneel (U.S. Patent No. 5,431,850) clearly fails to teach or suggest such a relationship, i.e., that a diameter of every filament constituting an outermost sheath layer of each strand is larger than a diameter of every filament constituting every layer located inside the outermost layer, as recited in each of independent claims 1, 2, 5, 9 and 20.

As seen in Examples 1 and 2 and Fig. 7 of Bruyneel, a diameter of every filament constituting the outermost sheath layer 20 or 26 is smaller (not larger) than the layer 18 or 24 just inside of the outermost sheath layer 20 or 26.

Amamiya (JP 5-338753) discloses a steel cord of the Warrington-type, as shown in Figs. 2 and 3, which does not have a construction in which a diameter of every filament 3d constituting the outermost sheath layer is larger than a diameter of every filament 3a-3c constituting every layer located inside the outermost layer. The diameter of every filament 3d is smaller (not larger) than the diameter of the filament 3b among filaments 3b and 3c constituting a layer located just inside the outermost layer.

The remaining cited art is also clearly deficient relative to the amended claims. Consequently, all of the pending claims are believed to be patentable.

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In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

A Petition for Extension of Time with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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